

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

ANTHONY BERRY

Defendant.

Criminal No. 10-00051 (NLH)

Memorandum Opinion and Order

APPEARANCES:

Anthony Berry
Register No. 63766-066
FCI-Otisville
Inmate Mail/Parcels
P.O. Box 1000
Otisville, NY 10963

Defendant appearing pro se

Lindsey Rebecca Harteis, Assistant U.S. Attorney
Office of the United States Attorney
401 Market Street, 4th Floor
Camden, New Jersey 08101

On behalf of the United States of America

Hillman, District Judge

WHEREAS, on January 28, 2010, Defendant Anthony Berry pleaded guilty to a two-count Information charging Conspiracy to Commit Hobbs Act Robbery, 18 U.S.C. § 1551(b) (3) and Use of a Firearm During and in Relation to a Crime of Violence, 18 U.S.C. § 924(c); and

WHEREAS, on October 5, 2010, Defendant was sentenced by the late Honorable Joseph E. Irenas to an aggregate term of 225 months' imprisonment; and

WHEREAS, on May 11, 2023, Defendant filed the instant "Motion for Removal of 924(c) Enhancement/Compassionate Release or in the Alternative a Reduction in Sentence Pursuant to 18 U.S.C. § 3582 (c) (1) (A)," as well as a supplement thereto (ECF Nos. 41, 43); and

WHEREAS, on September 18, 2023, the Government filed its Response to Defendant's Motion (ECF No. 47); and

WHEREAS, after Defendant filed his motion and it was briefed by both parties, the United States Sentencing Commission issued a revised and broadened Policy Statement to guide sentencing courts in considering motions for compassionate release under 18 U.S.C. § 3582 (c) (1) (A), effective November 1, 2023;

THEREFORE, having considered the recent enactment of the amended Policy Statement regarding issues contained in Defendant's pending motion,

IT IS on this 23rd day of January 2024,

ORDERED that within fourteen (14) days of this Order, Defendant shall either: (1) notify the court in writing that he intends to stand on his current filings, or (2) supplement his current briefing in consideration of the new Amendments; it is further

ORDERED that in the event Defendant elects to supplement his current briefing, the Government shall file its Supplemental Response within seven (7) days thereafter; it is further

ORDERED that a copy of this Order be sent to Defendant Berry by regular mail to his address on the Docket.

At Camden, New Jersey

/s/ Noel L. Hillman
Noel L. Hillman, U.S.D.J.